HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 505 OF 2006.

Balvindar Singh. ..Petitioner.

Versus.

The Commissioner of Police, Mumbai
& others. ..Respondents.

Ramesh Dube Patil i/b M/s. Ajay Misar & Co., for the petitioner.

P. H. Kantharia for the respondent no.2.

A. S. Gadkari, A.P.P. for the State.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: DECEMBER 04, 2006.

P.C.

1. This petition is for habeas corpus. The wife of the petitioner had gone to Kuwait for employment on her own. Thereafter, the petitioner is making complaint that she is being harassed by her first employer and she has left that job and, therefore, she be brought in India by issuing a writ of habeas corpus. Learned A.P.P. submits that the concerned authority has taken steps to trace out the wife of the petitioner, however, she has left earlier employment and her whereabouts are not known and she is not traceable. When the wife of the petitioner has voluntarily gone there, and except the bare averments there is nothing

on record to demonstrate that anything wrong has happened to her so that it can be inferred that she is confined or detained illegally, it will be inappropriate for this Court to issue writ of habeas corpus and to entertain writ petition for that purpose. We find that this petition is an instrumentality to bring back the wife of the petitioner within India at the cost of the State. We, therefore, refuse to entertain the petition. Petition is accordingly dismissed.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

:sac/2006/sathe/